

AMENDED IN ASSEMBLY JUNE 2, 2003
AMENDED IN ASSEMBLY APRIL 21, 2003
AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 974

Introduced by Assembly Member Nation

February 20, 2003

An act to repeal and add Section 30244 of the Public Resources Code, relating to the coastal zone.

LEGISLATIVE COUNSEL'S DIGEST

AB 974, as amended, Nation. Coastal zone: archaeological or paleontological resources.

The California Coastal Act provides for the planning and regulation of development within the coastal zone, as defined, ~~which shall and requires that development to~~ be based on various coastal resources planning and management policies set forth in the act. Existing law requires that mitigation measures be taken where development would adversely impact archaeological or paleontological resources, as identified by the State Historic Preservation Officer.

This bill would repeal that provision and instead require that where development would adversely impact an archaeological ~~or~~ , paleontological, *or significant Native American cultural* resource, identified in consultation with the State Historic Preservation Officer ~~or~~ , the Native American Heritage Commission, *and appropriate local Native Americans*, all feasible measures be taken to avoid that impact. The bill would require an impact that cannot feasibly be avoided to be

minimized and reasonably mitigated. The bill would require an area containing a sacred site ~~or significant Native American cultural resource~~, identified in consultation with the Native American Heritage Commission *and appropriate local Native Americans*, to be protected against significant disruption. The bill would require that a proposed local coastal plan to the California Coastal Commission, or an amendment to a local coastal plan that is not a minor amendment, contain policies and ordinances to implement the above requirements.

The bill would define the phrase, “appropriate local Native Americans.”

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 30244 of the Public Resources Code is
- 2 repealed.
- 3 SEC. 2. Section 30244 is added to the Public Resources Code,
- 4 to read:
- 5 30244. (a) Where development would adversely impact an
- 6 archaeological ~~or~~, paleontological, *or significant Native*
- 7 *American cultural* resource, identified in consultation with the
- 8 State Historic Preservation Officer ~~or~~, the Native American
- 9 Heritage Commission, *and appropriate local Native Americans*,
- 10 all feasible measures shall be taken to avoid that impact. An
- 11 impact that cannot feasibly be avoided shall be minimized and
- 12 reasonable mitigation shall be provided for the impact.
- 13 (b) An area containing a sacred site ~~or a significant Native~~
- 14 ~~American cultural resource~~, identified in consultation with the
- 15 Native American Heritage Commission *and appropriate local*
- 16 *Native Americans*, shall be protected against significant
- 17 disruption.
- 18 (c) When a local jurisdiction submits a proposed local coastal
- 19 plan to the commission, or an amendment to a local coastal plan
- 20 that is not a minor amendment, the proposed plan or amendment
- 21 shall contain policies and ordinances to implement subdivisions
- 22 (a) and (b).
- 23 (d) *For purposes of this section, “appropriate local Native*
- 24 *Americans” means a federally recognized Indian Tribe,*
- 25 *Rancheria, or Mission Band of Indians, or a tribe or band*

- 1 *identified on the Native American Contact List maintained by the*
- 2 *Native American Heritage Commission.*

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